



COMMUNITY DEVELOPMENT DEPARTMENT

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PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

FEBRUARY 12, 2008

PRESENT: Acevedo, Koepp-Baker, Escobar, Mueller, Tanda

ABSENT: Davenport

LATE: None

STAFF: Planning Manager (PM) Rowe, Senior Civil Engineer (SCE) Creer, and Minutes Clerk Johnson.

Chair Escobar called the meeting to order at 7:00 p.m. by inviting all present to join in the pledge of allegiance to the flag of the US.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

Chair Escobar opened the floor to public comment.

Robert Benich was present to announce that he had submitted his resignation as Planning Commissioner due to the fact that he had moved; and City Code prohibits three members of the Commission from living outside the City limits. Mr. Benich said he had enjoyed serving the residents of Morgan Hill for approximately six years on the Commission. "I've also had the pleasure of working with some very fine Commissioners and staff during that time. Even when the Commissioners have had differences, we worked well together for the betterment of the City – and we still liked each other in the end," Mr. Benich concluded.

Chair Escobar said he regretfully accepted the resignation and applauded Mr. Benich for his willingness to serve with a tenacity to explore 'getting things done', while giving compassionate thought on differing sides of various issues.

With no other members of the audience indicating a wish to speak to matters not appearing on the agenda, Chair Escobar closed the public comment period.

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MINUTES:

JANUARY 22, 2008 COMMISSIONERS MUELLER/TANDA MOTIONED TO APPROVE THE JANUARY 22, 2008 MINUTES WITH THE FOLLOWING AMENDMENTS:

Page 3, paragraph 1: ~~from~~ *for*

THE MOTION PASSED (4-0-1-1) BY THE FOLLOWING VOTE: AYES: ACEVEDO, ESCOBAR, MUELLER, TANDA; NOES: NONE; ABSTAIN: KOEPP-BAKER ; ABSENT: DAVENPORT.

PUBLIC HEARING:

**1) ZA-07-09/
SD-07-05/DA-07-02:
CORY-HABITAT
FOR HUMANITY**

A request to amend a precise development plan, approve a subdivision map and development agreement for a .52-acre site zoned R-2 3,500/Residential Planned Development. The site is located on the east side of Cory Ave. approximately 80 ft. south of San Luis Way.

PM Rowe presented the staff report, noting that this matter had been on the Planning Commission agenda previously, with concerns of the neighbors and the Commissioners causing additional information to be requested. This is the last portion of the original 37-unit development awarded allocations in the past. Currently, concerns of:

- on-and-off site parking
- limiting the development to five dwelling units (instead of 6)

have caused a public hearing to be scheduled for this meeting.

“Even though we had hoped for resolution at this meeting, the Habitat for Humanity representative has taken a new job and a transition to a new representative has not been completed, Jennifer Simmons has agreed to come back for a public hearing on the matter,” PM Rowe stated. “Consequently, staff is recommending opening the public hearing, and then continuing it to the February 26 Planning Commission meeting.

Chair Escobar opened the public hearing.

Gil Mitchell, 16767 San Luis Way, spoke to the Commissioners relating disappointments of:

- from the December 11, 2007 Planning Commission meeting, Habitat was to rotate the house on lot 1
- 5 lots, instead of 6, were to be presented
- location of garbage/refuse area was to be determined so as not to present loss of parking
- need for retention wall around project
- set-backs 20 feet from street
- others definitive set-backs
- concern of alternative site plan (presented only this date)
- Habitat not adhering to requirements for parking spaces
- need for adjustments to presented alternatives: side yard 5 feet and parallel to

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- existing dwellings
- other setbacks not to Code (Mr. Mitchell said he had learned of the Municipal Code this date)

“The plan is still short on parking spaces and has not presented a place for garbage,” Mr. Mitchell stated, as he addressed each of the alternatives, which he reiterated as having been presented ‘only this morning’. “When I looked at those ‘alternatives; I thought this to be a ‘slap in the face’. There is no scale, no mass, little information. It appears that habitat used whiteout and tried to just change some of the lines. I am requesting the Commission to tell Habitat to abandon the current alternatives and proceed in good faith with the five unit plan.”

Renee Bevis, 16739 San Luis Way, declared agreement with Mr. Mitchell. “Habitat has not dealt fairly with us,” Ms. Bevis said. She explained to the Commissioners that two of the homes should be full price (market value) with the remainder being BMRs as she spoke of falling values, and a housing auction in the neighborhood. “Habitat says they won’t put in the two homes as we had expected. When we try to talk to them, they say, ‘The Planning Commission will deal with us,’ then they present a redesign plan just whited out and indicate: ‘Here is your peace offering’. We know that Habitat is coming in, and we want development to look similar to what is in now. We are asking for the parking to be redrawn. We are tired of having to try to deal with Habitat when they won’t deal fairly with us,” Ms. Bevis said.

Frank Garcia, 16741 San Luis Way, told the Commissioners his reactions were the same as his neighbors. “I think the Habitat architect should be here. The drawings present no change with only whiteout marks. If Habitat were sincere, the cluster housing would be moved for open space. This cluster shows poor use of space. I moved my family here for the ambiance of open space, not San Francisco-like designs. “In my opinion the concerns of the Planning Commission have not been taken seriously. I sketched a new plan on my own (which he briefly explained). I do not believe this reflects an honest effort to work with the neighbors,” Mr. Garcia said.

Responding to a request to fax his sketch to PC staff, Mr. Garcia indicated willingness to do so.

With no others in the audience indicating an interest in speaking to the matter, the public hearing was closed.

Noting the need to have PM Rowe pass the comments of the speakers to Habitat representatives, **COMMISSIONER MUELLER MOTIONED TO CONTINUE THE MATTER OF ZA-07-09/SD-07-05/DA-07-02: CORY-HABITAT FOR HUMANITY TO THE PLANNING COMMISSION MEETING OF FEBRUARY 26, 2008. COMMISSIONER KOEPP-BAKER SECONDED THE MOTION, WHICH CARRIED (5-0-0-1), BY THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, ESCOBAR, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: DAVENPORT.**

**2) DAA-05-06B/
DSA-07-10:
GINGER-CUSTOM
ONE**

A request to amend the development agreement and development schedule for a five-unit single-family residential development proposed on a 1.23-acre site located on the southeast corner of the intersection of Rose Lane and Ginger Way. A 6-8 month

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extension of time is requested.

PM Rowe presented the staff report, giving an overview of the request. He said that in March 2005 the applicant was awarded five building allotments, with subsequent approval by the Planning Commission and City Council for a 5-lot subdivision and development agreement. This extension is being requested, PM Rowe explained, because of the difficulties of having multiple property owners' commitments, with additional issues of getting financing in today's difficult market. PM Rowe again reminded of the recent actions by the City Council and Planning Commission in similar situations, with an 8-month extension to February 28, 2008 having been granted in April, 2007. PM Rowe went on to explain that all other deadlines could be met; two dates needed to be adjusted in the Commence Construction category:

FY 2006-07 (5 units) August 30, 2008 (Request) <<Feb 29, 2008 (Approved)

and in the Building Permits category:

Obtain Building Permits June 30, 2008 (Recommended)<<November 30, 2007 (Approved)

Commissioner Mueller asked if there were any other (project) approvals that need extensions. PM Rowe advised, "No. other project entitlements were extended by the City Council in December with all other extensions having been granted for one year."

Chair Escobar opened the public hearing.

Applicant Gary Walton, PO Box 1265, was present, offered to answer questions, and saying he offered the letter as way of explanation.

With no others in attendance indicating a wish to speak to the matter, the public hearing was closed.

COMMISSIONER MUELLER OFFERED A RESOLUTION RECOMMENDING APPROVAL OF A DEVELOPMENT AGREEMENT AMENDMENT APPLICATION, DAA-05-06B: GINGER-CUSTOM ONE TO ALLOW FOR A SIX-MONTH EXTENSION OF THE COMMENCE CONSTRUCTION DATE. NOTING THE FINDINGS AND CONDITIONS WITHIN THE RESOLUTION, COMMISSIONER KOEPP-BAKER PROVIDED THE SECOND TO THE MOTION, WHICH CARRIED (5-0-0-1) BY THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, ESCOBAR, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: DAVENPORT

COMMISSIONER MUELLER OFFERED A RESOLUTION APPROVING AN AMENDMENT TO THE DEVELOPMENT SCHEDULE FOR APPLICATION, MMC-04-07: GINGER-CUSTOM ONE GRANTING A 7-MONTH EXTENSION TO THE OBTAIN BUILDING PERMIT DATE, INCLUSIVE OF THE FINDINGS AND CONDITIONS WITHIN THE RESOLUTION. COMMISSIONER KOEPP-BAKER PROVIDED THE SECOND TO THE MOTION, WHICH CARRIED (5-0-0-1) BY THE FOLLOWING VOTE: AYES:

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**ACEVEDO, KOEPP-BAKER, ESCOBAR, MUELLER, TANDA; NOES: NONE;
ABSTAIN: NONE; ABSENT: DAVENPORT**

3) VAR-07-01: LONE HILL- SOUTH VALLEY DEVELOPERS

A request for a variance to the minimum lot size in conjunction with a proposed tentative parcel map for an approximately 1.93-acre site zoned R2-3,500 RPD. The site is located adjacent to the northern terminus of Lone Hill Dr.

Disclosure: Commissioners Acevedo, Koepp-Baker and Mueller announced they had individually visited the site under discussion in the next agenda item.

PM Rowe gave the staff report, including an overview of the current zoning, the RPD, and the minimum lot size permitted. He explained that the map had been recorded some 18-years earlier and included a slope easement. There is no provision for retreat from that easement, even with the intervening years it was never needed and the adjoining properties are at the same or similar ground elevation. Applicant Scott Schilling, PM Rowe said, has attempted to work – albeit unsuccessfully - with adjacent property owners to reach agreement for vacation of the easement. Now, with development pending, a right-of-way dedication at cul de sac causes the parcels to be non-conforming as to lot size. The Public Works Department does not take favorable view of extending the cul de sac street to reduce street right of way dedication on the parcels in question, but would allow for some re-engineering of the cul de sac, PM Rowe advised.

PM Rowe called attention to the need for Conditions (page 2/staff report) if a variance is granted. He also noted the letter of justification from the applicant, and staff's response to that letter. PM Rowe advised that much of the issue stem from concerns of side-yard use. Because of the convoluted issues within the request, e.g., aged map, potential for re-engineering of the cul de sac, obsolete slope easement, etc., staff had advised the applicant to seek counsel from a land use Attorney, which he had done. Simultaneously, staff consulted with the City Attorney. "Now, we know this can go either way: the applicant can 'drop' the lot where the easement exists, or reengineer the cul de sac or grant a variance providing the Commissioners find special circumstances in the findings," PM Rowe advised. "Staff agrees with the applicant that under the current regulations, side yard uses of storage buildings are not possible but landscaping is allowed."

Chair Escobar opened the public hearing.

Scott Schilling, 16060 Caputo Place, #160, was present to speak to the Commissioners. "PM Rowe motioned most of the history of this area," Mr. Schilling said. "Now you can see we are between a rock and a hard place to decide whether to redesign lots or lengthen the cul de sac through reengineering. Public Works has indicated opposition to lengthening the cul de sac. We have tried for 6 – 8 months to work with the adjacent neighbors. The slope easement is along the east side and we have not been able to get communication or cooperation with the other lot owners. When the map was recorded over 18 years ago, the slope easement was thought to be necessary. Now that we know it is not necessary, we have been unsuccessful to getting vacation of the easement. Now, to facilitate the matter, we are asking that the 10-foot set-back line not be counted as part of the square footage area calculation of lot."

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Mr. Schilling went on to explain that the easement is fully within the set back of the side yard. He also said there was disagreement with staff regarding placement of buildings in side yards. "If there is not a building foundation, then the (accessory) buildings would not require a building permit and would not have a negative impact on the lot," Mr. Schilling said. "In requesting the variance, he ask that the 10-foot set back not count against the calculation of the lot size." He explained the size of the lots if one took out all of the slope easement area, which he described as 'very close to the RPD requirement of 7,000 sf.

Commissioner Koepp-Baker asked the basis of Public Works lack of interest in looking at how the lots are formed through reengineering of the cul de sac.

SCE Creer responded that Engineering did think the basic issue to be: the slope easement is not necessary. "There is no need for an easement in this instance, and so it seems absurd to have it there."

Commissioner Mueller said his visit to the site made him think that there appears to be a slope off of Lot four.

SCE Creer concurred, saying, "Yes as the project is developed, they will have to drain away from the lot and drain to the street." Continuing, SCE Creer said, "Twenty years ago things were done differently," as he referenced a development near the Mormon Church on East Dunne Avenue where a retaining wall had been built.

Commissioner Acevedo led discussion of placement of detention ponds, noting that he had thought of detention ponds during his site visit. He also cited nearby dwelling complexes (to the subject site), asking SCE to explain drainage at that location.

Mr. Schilling spoke of the drainage from the future Santa Teresa road alignment where drainage enters a low spot through the property to the rear, explaining the location of the storm drain stub, and how drainage is channeled to the back of the property. Mr. Schilling said that the drainage design on this property and other surrounding lots could be designed for 'less steep slope, with minimal slope in the easement to the backyards and to the street'.

Commissioner Mueller expressed concern of having minimum lot size retained.

Mr. Schilling said the cul de sac had a 40-foot width that was required for lot frontage and indicated he had been perusing a design for a different minimum lot width. "But if the fronts get narrow, trying to balance the lot sizes is difficult," Mr. Schilling said. "We've made several attempts and the result is interesting shapes, but we need to stay within the normal range of size and not just have weird looking lot sizes."

Commissioner Acevedo asked SCE Creer to comment on a variation of the cul de sac configuration. SCE Creer said that an offset bulb design is not typically a problem, but in this case, where the offset would need to be located, Mr. Schilling cannot get the permission as the owner of the property needed has not indicated interest in having the bulb there. Commissioner Acevedo remarked that the offset bulb design could help lot 1, but present problems for lot 4.

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With no others in attendance indicating a wish to speak to the matter, the public hearing was closed.

Commissioners discussed:

- the proposed was 'acceptable and doable'
- an offset bulb cul de sac design would help lot 1
- what do to with lot 4 if the offset bulb cul de sac design was placed

Chair Escobar was requested to reopen the public hearing.

Mr. Schilling said, "The simplest thing would be to reengineer and lengthen the cul de sac. If you deny the variance, I would ask that you permit language for Public Works to allow lengthening of the cul de sac. We would prefer having the variance but lengthening the cul de sac is ok, too."

The public hearing was closed.

Commissioner Mueller expressed concern that the lots being discussed were generated with an RPD and therefore are subject to the Ordinance of the City. "This is all about doing a buffer between a development which is in place and the nearby R-2 zoning. It appears pretty clear the City is getting 7,000 lots and now we need to decide how to alter this and put it in place for the RPD. I would lean toward directing Public Works to allow lengthening the cul de sac. If that cannot be done, the applicant could come back. But we need to honor the agreement with the residents even though it was given years ago," Commissioner Mueller said.

SCE Creer expressed concern that the cul de sac would be lengthened for 'no reason'. The slope easement is maintained in perpetuity, he said. "Even with the slope easement the applicant could go ahead and build retention walls so the easement would remain," he said.

Chair Escobar noted the need for conditions and findings. "Just now we do not know how to deal with conditions," he said.

Commissioner Acevedo said he would support the potential solution of lengthening the cul de sac. "Then we would not have to deal with the variance and lengthening the cul de sac would make the 20-year promise good," he said.

Chair Escobar commented, "If the variance is appropriate, we may have to decide which option is more suitable than the other, and then it would need to be decided which is more expedient. We have those mechanisms for doing just that. If we justify our reasoning tonight, why send the matter back to be redone? Or we can have staff and the applicant come back with more specific instructions and plans."

Commissioner Mueller asked Mr. Schilling if the easements were removed, could the minimum lot sizes still be attained. [yes]

Commissioner Tanda asked for further information regarding extension of the cul de sac.

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Chair Escobar reopen the public hearing.

Mr. Schilling illustrated:

- the area where he would be able to extend the lot area
- why the cul de sac needs to be redone
- the property line redrawn as a result of the reconfiguration of the cul de sac,

resulting in more frontage of cul de sac lots, but with loss some of R-2

Commissioner Tanda asked, "If you extend the cul de sac and must redesign the lots, why not just redesign the lots?"

Mr. Schilling responded, "Redesign is not the best as we would get 'weird angles', and we would not get a desirable lot shape. We have looked at many designs, but none were desirable."

Commissioner Tanda asked if the variance could be designed easily with a retaining wall.

Mr. Schilling said, "In this instance there is no grade difference so a retaining wall is not needed. That has become a non-issue." Adding further comments, Mr. Schilling said, "That is true for all the slope easement now, although 18 years ago, there might have been a grade difference."

The public hearing was closed.

Commissioners discussed:

- no sunset clause for the slope easement; not required 18 years ago
- such easements not done today (now notes on maps)
- need to meet 7,000 sf requirement
- potential of exploring cul de sac lengthening
- concerns of impacting condos to the east side of property
- on west: Santa Teresa extension

PM Rowe advised that the RPD specify that certain percentage must be multi family dwellings. Commissioners questioned the larger area for single-family use.

Commissioner Mueller asked for clarification of the Santa Teresa extension.

Chair Escobar observed he is now more in favor of the variance but thought it important to achieve the objective of having the established lot size retained. He asked if the variance could be conditioned to provide meeting the minimum lot size.

Commissioner Mueller spoke of the potential of moving the whole R-1 closer to Santa Teresa (on the west). Commissioner Mueller said:

- we must make the variance terms a non recurring requirement; not the way we do things now
- must make sure have 7,000 sf lots
- regarding topography: need for slope easement does not now exist

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Commissioner Tanda expressed concern that lot 1 (7,244 sf) abuts the 1,200 sf of slope easement, together with the easements for storm drainage and roadway, subtracting those easements would result in the lot being less than 7,000 sf.

Chair Escobar was requested to reopen the public hearing.

Mr. Schilling gave an overview of the lot sizes and the percentage easements covering each. "I don't know exactly if we excluded the slope easement, if we could meet Code. We can provide new measurements showing the sizes if we take out all the easements," he said.

Commissioner Tanda said he thought new measurements could help clarify the matter.

The public hearing was closed.

Mr. Schilling was requested to work with staff for clarifying the issues raised during discussion and have the request agendaized at a future meeting.

4) UP-07-05: VINEYARD- BETH-EL BAPTIST CHURCH

A request for approval of a conditional use permit to allow for a 10,086 sq. ft. church to be constructed and operated on a 1.44-acre parcel located on the southwest corner of the intersection of Vineyard Blvd. and Vineyard Ct. in the Light Industrial zoning district. The proposed project is exempt from further environmental review pursuant to CEQA section 15303 (c) New Construction of Small Structures.

PM Rowe staff report, providing a brief overview of the history of the site, including approval of a conditional use permit in 2006. Due to a lack of funds by that applicant, the site was sold. The current congregational owner wishes to move from the location they now have in a commercial PUD district. PM Rowe then detailed the uses, times, and number of employees anticipated for this facility. Noting the findings required, PM Rowe commented on the:

- parking
- access points
- trips per day (not excessive at night)
- design compatibility

Commissioner Mueller said, "In looking at the proposed hours of operation (Saturday and specified days of the week), there might be a need in the future to have those times amended."

Chair Escobar opened the public hearing.

Gabriel Otero, 17600 Houmay Ave, advised he is the Pastor of the Church making the request. "Just now, we have a traffic pattern that is difficult at our current location. We feel this move will provide safety for our members and tax revenues for the City," he said.

Responding to questions, Pastor Otero said:

- current membership is 110; plans are for growth to 250
- primarily use is for Sunday worship
- other uses: choir rehearsals, weddings

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Commissioner Koepp-Baker noted there are six separate classrooms and one teaching room and asked about plans for a school in the future. Pastor Otero said the rooms are used only for Sunday school. "Out of kindness, we do share the building with another Church which emphasizes 90% home school. In some cases they need a technology class for about 10 students once a week at 10 a.m. to 11:00a.m. Now we do not have a school but I suppose that could happen in the future," Pastor Otero said.

Commissioner Koepp-Baker commented that it seems the use as requested now is quite restrictive.

Commissioner Mueller observed that the Church might want to have findings made that could allow other uses (conditions). He explained to Pastor Otero it would be beneficial to have those conditions written in now, i.e., having uses for some of the classrooms on differing days. "It is very restrictive, the way your request reads. You might want more flexibility in the future," Commissioner Mueller clarified.

Commissioner Koepp-Baker agreed, saying, "We – and you - don't want to be too restrictive."

With no others present indicating a desire to speak to the matter, the public hearing was closed.

COMMISSIONER MUELLER OFFERED A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR THE CONSTRUCTION OF A 10,000 SQ FT CHURCH LOCATED ON THE SOUTHWEST CORNER OF VINEYARD COURT AND VINEYARD BLVD IN A LIGHT INDUSTRIAL ZONING DISTRICT, INCLUSIVE OF THE FINDINGS AND CONDITIONS THEREIN AND MODIFYING SECTION 4C TO ALLOW WEEKDAY EVENING USE FROM 7 – 10 P.M. FOR MEETINGS AND ALLOW OPERATIONS ON SATURDAY FROM 8 A. – 10 P.M. AND THE PROVISION OF DAY TIME USE FOR UP TO TWO OF THE CLASSROOMS ON AN OCCASIONAL BASIS. COMMISSIONER KOEPP-BAKER SECONDED THE MOTION, WHICH PASSED (5-0-0-1) BY THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, ESCOBAR, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: DAVENPORT.

Commissioner Mueller advised the applicant that the action just completed would become final in 30 days providing no appeal was filed.

5) RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) QUARTERLY REPORT

Quarterly review of the progress of residential projects that have been awarded building allocations under the City's Residential Development Control System (RDCS).

PM Rowe presented the quarterly report and attention to the number of projects behind schedule, while noting that several are in process with extended schedules. He cited Ginger One-Custom as an example. The Diana Chan project has asked for an extension, he said, recalling to the Commissioners the previously agreed trade of allocations, with the retention of five units scheduled to commence construction by June 30, 2008. "However, he said, "that is not happening in this economic environment and they want to extend their June 30 deadline."

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Commissioner Mueller asked if any other projects are behind that need to come to the Planning Commission. PM Rowe responded, "Not at this time. Some projects are behind schedule, but are working with the department." He noted that 70 allocations for 2008-09 and others for 2009-10 are being watched. "We notify them of the schedule and they are given the opportunity for extension."

PM Rowe also advised that staff also committed to start showing the numbers of units

by income category and how those categories compare with ABAG requirements. "With change of staffing we have to put off that goal to the first quarter report of 2008," PM Rowe reported.

COMMISSIONERS MUELLER/ KOEPP-BAKER MOTIONED TO APPROVE THE RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) QUARTERLY REPORT, AS PRESENTED; AND HAVE THE REPORT FORWARDED TO THE CITY COUNCIL. THE MOTION PASSED (5-0-0-1) BY THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, ESCOBAR, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: DAVENPORT.

ANNOUNCEMENTS:

PM Rowe reminded of the Joint ARB/ Planning Commission workshop planned for February 21. "At that time, we will discuss the new Architectural Review Handbook, which will replace the one that is 20-years old. Also, of particular interest will be the two new chapters of our Zoning Ordinance. On the agenda will be discussion of the RPD and Parking/Paving Code. This will give us the opportunity to walk you through the new materials," PM Rowe said.

Commissioner Tanda noticed that this workshop will cause the Planning Commissioners to attend five meetings within a six weeks period. PM Rowe responded that the workshop could be moved to a regular Commission meeting. Commissioner Koepp-Baker said she understood that part of the thrust was to get all the design items into one place so the work of ARB could be better understood. Following discussion of the scheduled date, the ARB/PC meeting remained February 21 at 7:00 p.m.

PM Rowe announced that 5:00 p.m. deadline tomorrow (February 13) was the deadline for filing appeals of the Commissioners decisions for allocation in the recent public hearing competitions. "None have been received now. If any do come in, the matter will go to the City Council at their meeting February 20," he said. PM Rowe further indicated that at the Commission meeting of February 26, there will be introduction of the amended Cultural Resources Ordinances, including a 'major rewrite of this item for Municipal Code.

Turning to the report of City Council actions, PM Rowe announced that at the February 6 meeting the Commission recommendations of:

- Condit Road PUD was considered, with considerable discussion being had on the issue of fast foods establishments. The Council, he said, has limited fast-foods drive-thrus to one, with other fast food restaurants allowed.
- as to additional motor vehicle sales, the Council stayed consistent with the Planning Commission recommendation: no more directly within the PUD
- changes (extensions) in the development schedules

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- E. Dunne/Central-Delco

It was clarified that the required reporting Form 700 had been sent by e-mail to all Commissioners for completion and return to the City Clerk.

ADJOURNMENT: Ascertaining there was no further business to come before the Commissioners, Chair Escobar declared the meeting adjourned at 8:39 p.m.

MINUTES PREPARED BY:

JUDI H. JOHNSON, Minutes Clerk